/340 cont./

581 That is, however, a sort of exception, of reminder. In fact, in spite of a great ceremonial richness, marriage here no longer offers any trait that would reveal, at least on the plane of the law, collective conditionings. In the eyes of the local jurists, this whole part of their institutions draws its inspiration closely from the fiqh (1).

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1. In this sense, cf. J. Lafond, Les sources du droit coutumier dans le Sous /The sources of the customary law in the Sous/, 1948, pp. 25 sq., and, in an Islamizing sense naturally indicated even more, the nikāḥ' chapters in the works of an-Nāçirī, ar-Rasmūkī, al-ᶜAbbāsī, etc.

Such a profession, assuredly exact if one clings to the judiciary plane, is less so for one who considers the mores, the tensions that they express, the images that they suggest. What part to give to the one and to the other of these two modes of perceiving, each reflecting a different level of reality? The inquiry by Westermarck (2),

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2. E. Westermarck, Les cérémonies du mariage au Maroc /Marriage ceremonies in Morocco/, 1921, and the numerous allusions to the Moroccan institution made in the other works by this author. On the method of W., see Lévi-Strauss, "L'oeuvre de W. /The works of Westermarck/," R. d'hist. des Religions, No. 1, 1945. E. Westermarck was struck by the Moroccan institutions to the point that his Histoire du mariage /History of marriage/, for example, tr., 2nd ed., makes broad appeals to them, and not always happy ones. Cf., for example, what he says about the famous Night of error (t. I, pp. 121 sq.). Interesting remarks

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/footnote 2 continued/ on courtship (t. II, p. 205 sq.), marriage by flight (t. IV, pp. 49 sq.), marriage by exchanges of fiancées, which is the ante-Islamic chighār (t. IV, pp. 90 sq.). E. Doutté, Marrakech /Marrakesh/, 1905, pp. 331 sq., gives a remarkable description of marriage in Reh'āmna. He cites, same page, n. 2, an exhaustive bibliography for his time and for Morocco.

which one has the good fortune to have available in the second of these two domains, is of little help here, in spite of the /341/ suggestive prospects that it opens here and there. It in fact neglects morphological analysis and in the end contributes only a collection of traits more valuable for a general comparativism than for an examination of a localized institution in its relations with the milieu. The account below will attempt to combine, according to the dosage that reality itself offers, the point of view of the local jurist, who already codifies and elaborates, with that of the usagers who know law only by what they see and experience of it. Tendency toward normalization and emotive participation, the one individualist and rational, the other of an entirely communitarian spirit, but cropping out in the law, will equally have room in our curiosity. To the one as well as to the other, one will try to give a just part in this overly schematic account, which is resigned to neglecting the varieties between groups.

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584 /The rest of this section is in small type in the original source./ Seksawa marriage includes several phases, the succession of which is punctuated by ceremonies.

a) the asghurt, "prenuptial stage," is a period of frequentation preliminary to cohabitation. It is of indefinite duration.

Inaugurating it are:

1) the id'ilīb, "request" solemnized by the sacrifice of an animal and
2) the agreement of the fiancée and the two families, sanctioned by a meal in common;

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584 191 114 /footnote 1 continued/ according to de Ligniville. G. Marcy, Le droit coutumier Zemmour /The Zemmour customary law/, 1949, too quickly ranks under the name of tiddukla, "compagnonnage" /Fr. compagnonnage, time of service as journeyman after apprencticeship/, some traits of this sort (p. 7). Same reproach to be made concerning his discussion of the theory of H. Basset, drawn from the uniformity of the alig in a. Sadden, a. Warain, a. Seghruchen, B. Mgild, Zayân, etc. (pp. 8 sq. and 9, n. 4).

584 191 renders rather inconclusive in the case at hand.

What is undeniable, on the contrary, is that the Chleuh 581 /Shluh/ marriage /344/ is a society of egalitarian production (1),

1. J. Berque, "Les Ajwiba d'al-ᶜAbbâsî /The Ajwiba of al-ᶜAbbâsî/," R. al., 1950, 881 sq., and notes. Nothing more instructive than the difficulty of the orthodox jurist in order to justify the aberrant solutions of the milieu.

where each rightful claimant, women included, contributes his capital and his work. The capital of the woman is the jihaz, and her share of acquests, the tizzla. Nothing similar in Arab countries. At Fès /Fez/, for example, the mores indeed force a 581 bourgeois who is marrying off his daughter to give her a "marriage settlement," called chuwâr or tajhîz, of an amount equal to double the part of the çadâq paid immediately. But this is a sumptuary liberality which turns round as a threat of forfeiture in case of repudiation. Assuredly not, as in the Sous, a society that [181] invests itself. Ostentatious economics and tension between great families, such is the climate of Fès; modest and meticulous community of work, such is that of the Sous. The meaning of the practice differs completely from one case to the other, but from the one to the other, it is true, no solution of continuity, and sometimes use of homonyms to designate quite dissimilar forms.

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565 563 Below the common people are the haraten /Haratin/, particularly numerous, as we have seen, in the valleys of the Sous and especially of the Haut-Dra and the Dadès, as well as in the oases of the Noun and Bani. Of diverse origins, they are perhaps the result of the crossing of the ancient black populations of the Sahara and slaves from the Sudan, introduced in large numbers by the Berbère /Berber/ conquerors or bought by the sultans from the Arab slave traders. As a matter of fact, the Makhzen /makhzan/ has always been a great importer of blacks. They are also found in large numbers in the vicinity of the casbahs of kaids or near sherifian fortresses. In the Anti-Atlas they have mingled without difficulty with the tribes of the Igezzoulen (1),

1. "In spite of this political equality, in spite of this recognized common origin, the Chellaha regard themselves as superior to the Haratin and the latter feel inferior. They try to raise themselves by marrying light-colored women." "When marriage is spoken of, says the proverb, the Arab asks: Is she from a good family? the chleuh /Shluh/: Is she rich? the hartani /Haratin/: Is she white?" De Foucauld, Reconnaissance au Maroc /Reconnaissance in Morocco/, p. 88.

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still without being completely lost in the "ᶜamma." In the Haut-Atlas /High Atlas/ the Masmouda have resisted more, but, in the years of want, one sees the haraten, mostly blacksmiths or craftsmen, marry daughters of notables. The minor sheiks of the high valleys almost all possess two or three black slaves, who marry in the country and whose children take their place little by little among the free men.

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Jews form the most scorned class in Berbère /Berber/ country. They too, however, end up by in part entering the ranks /46/ of the "ᶜamma." Doubtless there are still quite large mellahs